

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-BB

RIO CHAMA STREAM SYSTEM

Section 3, Rio Nutrias

**MOTION FOR ORDER MAKING FINAL DETERMINATION OF
PRIORITY DATES AND IRRIGATION WATER REQUIREMENTS
IN THE RIO NUTRIAS SUBSECTION OF SECTION 3
OF THE RIO CHAMA STREAM SYSTEM**

The Plaintiff State of New Mexico, *ex rel.*, State Engineer and respectfully requests the Court to enter its Order making a final determination of priority dates and irrigation water requirements in Rio Nutrias Subsection of Section 3 of the Rio Chama Stream System (“Nutrias Subsection”), and in support of this motion states as follows:

1. Pursuant to the April 21, 2010 *Scheduling and Procedural Order for Determination of Priority Dates and Irrigation Water Requirements in the Rio Nutrias Subsection of Section 3 of the Rio Chama Stream System* (Docket No. 9689), each of the individual subfile defendants in the Nutrias Subsection, the United States of America and the Commissioners of each Community Ditch in the Nutrias Subsection have been served with the Court’s Notice and Order to Show Cause in connection with the determination of priority dates and irrigation water requirements in the Nutrias Subsection of Section 3 of the Rio Chama Stream System. *See Certificate of Service* filed June 2,

2010 (Docket No. 9783). Service of the Court's Notice and Order to Show Cause included a copy of a letter from the Special Master explaining the proceedings and a form Objection and Response to Notice and Order to Show Cause as directed by the May 4, 2010, *Order Granting Motion for Approval of Form of Notice and Orders to Show Cause* (Docket No. 9706).

2. The Court's Notice and Order to Show Cause has been published as required in the Rio Grande Sun once each week for 4 consecutive weeks, the first publication being on the 3rd day of June 2010, and the last publication being on 24th day of June 2010. *See Proof of Publication of Notice and Order to Show Cause* filed July 27, 2010 (Docket No. 9918).

3. Pursuant to the Court's Notice and Order to Show Cause, the deadline for the filing of an objection to the State's proposed determination of priority dates and irrigation water requirements in the Nutrias Subsection was July 31, 2010.

4. No objection to the proposed determination of priority dates or irrigation water requirements in the Nutrias Subsection has been filed with the Court.

WHEREFORE the Plaintiff State of New Mexico requests that the Court enter its Order making a final determination of priority dates and irrigation water requirements in the Rio Nutrias Subsection of Section 3 of the Rio Chama Stream System. A proposed Order granting this motion is attached hereto as Exhibit 1.

DATED September 16, 2010

Respectfully submitted,

/s/ Ed Newville

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 16th day of September, 2010, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served via electronic mail.

/s/ Ed Newville
Edward G. Newville